

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

– against –

JAVEL TAYLOR,

Defendant.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: *January 28, 2015*

ORDER

11 Cr. 310 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On November 28, 2012, Javel Taylor was sentenced to 84 months' imprisonment, based on convictions for violations of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C). See Judgment (Dkt. No. 70). On November 6, 2014, Taylor filed a motion requesting a sentence reduction in light of certain amendments to the Sentencing Guidelines that became effective on November 1, 2014. The amendments, inter alia, generally reduce base offense levels for drug offenses by two levels.

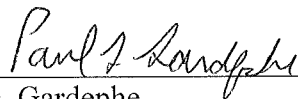
Taylor is not eligible for a sentence reduction based on the 2014 amendments to the Sentencing Guidelines. Taylor's sentence was determined not by reference to the Guidelines provisions set forth in U.S.S.G. § 2D1.1, but rather based on his status as a Career Offender. Because of his Career Offender status, this Court and the Probation Office determined that Taylor's offense level was 34, that his criminal history category was VI, and that the applicable Guidelines range was 262 to 327 months' imprisonment. See Pre-Sentence Report at 6, 10; Sentencing Transcript (Dkt. No. 75) at 5-6. In imposing a sentence of 84 months' imprisonment, this Court granted a substantial variance from the applicable Guidelines range. Sentencing Transcript (Dkt. No. 75) at 26-27.

In any event, because Taylor's sentence was not determined on the basis of U.S.S.G. § 2D1.1, amendments to that provision do not provide a basis for reducing Taylor's

sentence. See U.S.S.G. §1B1.10(a)(B) (“A reduction in the defendant’s term of imprisonment is . . . not authorized under 18 U.S.C. §3582(c)(2) if . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant’s applicable guideline range.”). Accordingly, Taylor’s motion for a sentence reduction is denied.

Dated: New York, New York
January 28, 2015

SO ORDERED.



Paul G. Gardephe
United States District Judge